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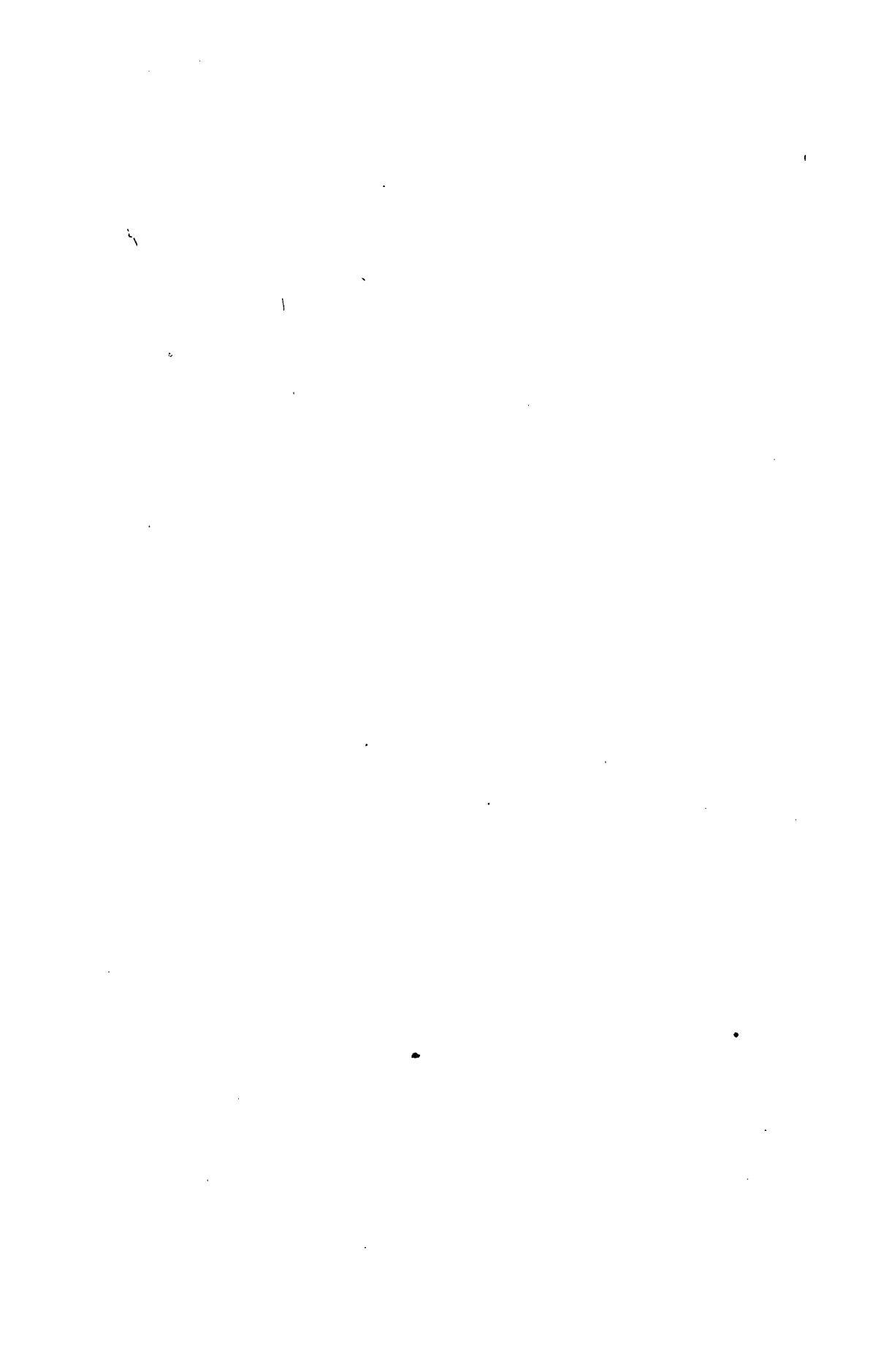
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1853

SUPPLEMENT

TO THE

SCHOOL LAWS.



LAWS AND RESOLVES

RELATING TO

PUBLIC INSTRUCTION

IN MASSACHUSETTS, - *General court*

PASSED IN 1850, 1851, 1852, 1853;

CHRONOLOGICALLY ARRANGED.

A SUPPLEMENT

TO THE

SCHOOL LAWS,

CONTAINED IN THE TENTH ANNUAL REPORT (REV. ED.) OF THE SECRETARY OF THE
BOARD OF EDUCATION, MAKING THE SERIES COMPLETE TO 1853, INCLUSIVE.

WITH AN INDEX.

BOSTON:

WILLIAM WHITE, STATE PRINTER.

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Gift of

Mrs. A. R. Pope
of Cambridge.

GENERAL
LAWS AND RESOLVES,
RELATING TO
PUBLIC INSTRUCTION,
PASSED BY THE
LEGISLATURE OF MASSACHUSETTS,
IN THE YEAR
1850;
CHRONOLOGICALLY ARRANGED.

CHAPTER 41.

AN ACT IN ADDITION TO "AN ACT CONCERNING THE DISTRIBUTION,
CUSTODY, AND PRESERVATION OF SCHOOL RETURNS, AND OTHER
DOCUMENTS AND PAPERS RELATING TO SCHOOLS."

SECTION

1. Blank forms of inquiry, &c., to be
sent to the clerks of towns, &c.

SECTION

2. Stat. 1849, ch. 65, § 1, repealed.

SECT. 1. It shall be the duty of the Secretary of the Board of Education to send the blank Forms of Inquiry, the School Registers, the Abstract of School Returns, and the Annual Report of the Board of Education, and that of its Secretary, to the clerks of the several towns and cities of the Commonwealth, as soon as may be after they are ready for distribution.

SECT. 2. The first section of the act to which this is in addition, approved by the Governor, March 30, 1849, is hereby repealed. [February 25, 1850.]

CHAPTER 24.

RESOLVE CONCERNING THE STATE NORMAL SCHOOLS.

Grant of \$1000, which, with appropriations of 1847 and of 1849, shall be in full to January 1, 1853.

Resolved, That the sum of one thousand dollars be appropriated for the support of the State Normal Schools, under the direction of the Board of Education, which, together with the

sums appropriated for that object by former resolves, viz., the eighty-second chapter of the resolves of the year one thousand eight hundred and forty-seven, and the eighty-ninth chapter of the resolves of the year one thousand eight hundred and forty-nine, shall be in full therefor to the first day of January, in the year one thousand eight hundred and fifty-three; the said sum to be deducted from the proceeds of sales of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "an act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes;" and his excellency the Governor, by and with the advice and consent of the Council, is authorized to draw his warrant accordingly. [March 5, 1850.]

CHAPTER 26.

RESOLVE AUTHORIZING THE BOARD OF EDUCATION TO APPOINT AGENTS.

Two or more to visit the towns and school districts.

Resolved, That the Board of Education be and they are hereby authorized to appoint two or more suitable agents, to visit the town and school districts in such parts of the Commonwealth as may seem expedient to the Board, for the purpose of inquiring into the condition of the schools, lecturing upon subjects connected with education, and, in general, of giving and receiving information, in the same manner as the Secretary of the Board would do if he were present; and that, to defray the expense of the same, his excellency the Governor, with the advice and consent of the Council, is authorized to draw his warrant for a sum not exceeding two thousand dollars, to be charged upon the income of the school fund. [March 6, 1850.]

CHAPTER 88.

AN ACT CONCERNING THE BOARD OF EDUCATION.

SECTION

1. Empowered to hold any grant or devise of lands, and any donation or bequest of money in trust, for educa-

SECTION

- tional purposes.
2. When to take effect.

SECT. 1. The Board of Education, for the time being, shall have power to take and hold, to them and their successors, in trust for the Commonwealth, any grant or devise of lands, and

any donation or bequest of money, or other personal property, which has been, or may hereafter be, made to them for educational purposes; and shall forthwith pay over to the Treasurer of the Commonwealth, for safe-keeping and investment, all moneys and other personal property so received; and the said Treasurer shall, from time to time, receive from said Board all such sums of money, and other personal property, and invest all moneys in the name of the Commonwealth, and shall pay to said Board, on the warrant of the Governor, the income or principal thereof, as they shall, from time to time, require; and for the faithful management of all such property, so received by the Treasurer, he shall be responsible, upon his bond, to the Commonwealth, as for other funds received by him in his official capacity; *provided*, that nothing in this act contained shall authorize any disposition of any devise, donation or bequest, inconsistent with the conditions or terms thereof.

SECT. 2. This act shall take effect from the date of its passage. [March 18, 1850.]

CHAPTER 112.

AN ACT ADDITIONAL TO AN ACT TO ESTABLISH THE STATE REFORM SCHOOL.

SECTION

1. Trustees empowered to bind out boys.
2. Construction of stat. 1847, ch. 165, § 14.

SECTION

3. Stat. 1847, ch. 165, § 8, repealed.
4. When to take effect.

SECT. 1. The trustees of the State Reform School shall have power to bind out all boys committed to their charge, for any term of time during the period for which they shall have been committed, as apprentices or servants; and the said trustees, and master or mistress, apprentice or servant, shall, respectively, have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding or apprenticing were made by overseers of the poor.

SECT. 2. The fourteenth section of the act to establish the State Reform School shall not be so construed as to prevent the Governor and Council from re-appointing, if they see fit, any of the trustees of said school, when the term for which they were previously appointed shall have expired.

SECT. 3. The eighth section of the act to establish the State Reform School, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [March 23, 1850.]

CHAPTER 115.

AN ACT IN RELATION TO THE QUALIFICATIONS OF SCHOOL
TEACHERS.

The duplicate certificate of the school committee to be deposited with the selectmen.

The duplicate certificate of the school committee of the qualifications of teachers, required, by the fourteenth section of the twenty-third chapter of the Revised Statutes, to be furnished to the treasurer, shall hereafter be deposited with the selectmen of the several towns of the Commonwealth. [March 23, 1850.]

CHAPTER 50.

RÉSOLVE RELATING TO METEOROLOGICAL OBSERVATIONS.

The Governor authorized to fix upon stations.

Resolved, That his excellency the Governor be authorized and requested to fix upon suitable stations, not exceeding twelve in number, in which shall be included the three Normal Schools and the three Colleges in this Commonwealth, where shall be deposited the instruments necessary for making systematic observations in meteorology, according to the plan recommended by the Smithsonian Institute, at an expense not exceeding one hundred dollars for each station, to be defrayed from the school fund, and that he be authorized to draw his warrant therefor accordingly. [March 25, 1850.]

CHAPTER 179.

AN ACT CONCERNING THE DUTIES AND POWERS OF SCHOOL
COMMITTEES.

Returns to state the amount received from the school fund, and its appropriation.

In addition to the returns required of school committees, by the twenty-third chapter of the Revised Statutes, such committees shall hereafter be required to state the sum or sums of money received from the school fund, by their several towns and cities respectively; and also to specify the purposes to which such sums may have been appropriated. [April 9, 1850.]

CHAPTER 182.

AN ACT IN RELATION TO THE STATE LIBRARY.

SECTION

1. To be under the control of trustees.
2. Their authority.

SECTION

3. Inconsistent provisions repealed.

SECT. 1. The State Library shall hereafter be under the management and control of three trustees, who shall be appointed by the Governor, with the advice and consent of the Council, and who shall hold their offices for three years, unless sooner removed; and the said trustees shall exercise all the powers, and perform all the duties, in regard to the said library, as are now exercised and performed by the joint standing committee of the Legislature upon the library; and the said trustees shall also have the general supervision and control of the system of international exchanges.

SECT. 2. The said trustees are hereby authorized to sell, or otherwise dispose of, such books, now belonging to the said library, as they may deem unsuitable for its purposes, and supply their places with others; and they shall have the same power in regard to the books which have been, or may hereafter be received, by virtue of the said system of international exchanges.

SECT. 3. All acts and parts of acts, inconsistent herewith, are hereby repealed. [April 9, 1850.]

CHAPTER 65.

RESOLVE CONCERNING TEACHERS' INSTITUTES.

Grant of \$500, in addition. When to take effect.

Resolved, That to meet the expenses of Teachers' Institutes, formed and held under the provisions of the ninety-ninth chapter of the statutes of the year one thousand eight hundred and forty-six, and the acts in addition thereto, the Governor is hereby authorized annually to draw his warrant upon the treasurer for a sum not exceeding five hundred dollars, in addition to the sum authorized by the act aforesaid, to be taken from the school fund, according to the provisions of the two hundred and nineteenth chapter of the statutes of the year one thousand eight hundred and forty-six, and to remain in the treasury, and subject to the drafts of the Board of Education, or their Secretary, for the purpose aforesaid.

Resolved, That this Resolve shall take effect from and after its passage. [April 9, 1850.]

*

CHAPTER 71.

RESOLVE IN ADDITION TO A RESOLVE IN RELATION TO TEACHERS' INSTITUTES.

\$250 may be expended at each institute. When to take effect.

Resolved, That the sum of five hundred dollars, appropriated by the resolve of April 9, 1850, ch. 65, in addition to the amount granted by the act of 1846, ch. 99, for the expenses of Teachers' Institutes, shall be paid in order to enable the Secretary of the Board of Education to expend for each institute, including that at Plymouth now in session, a sum not to exceed two hundred and fifty dollars.

Resolved, That this Resolve shall take effect from and after its passage. [April 16, 1850.]

CHAPTER 213.

AN ACT PRESCRIBING THE MODE OF CALLING AND WARNING SCHOOL DISTRICT MEETINGS.

SECTION

1. The mode prescribed by the 46th and 47th sections of the 23d ch. Rev. Stat.,

SECTION

in all cases lawful.
2. When to take effect.

SECT. 1. Notwithstanding any school district may have, at any regular meeting having an article in the warrant for that purpose, prescribed the mode of warning all future meetings of the district, and directed by whom or in what manner such meetings shall be called, or made either of such regulations, it shall nevertheless be lawful that all school district meetings be hereafter called and warned in the manner prescribed by the forty-sixth and forty-seventh sections of the twenty-third chapter of the Revised Statutes.

SECT. 2. This act shall take effect from and after its passage. [April 17, 1850.]

CHAPTER 229.

AN ACT REQUIRING PHYSIOLOGY AND HYGIENE TO BE TAUGHT IN THE PUBLIC SCHOOLS.

SECTION

1. When to be taught.
2. Teachers to be examined in them.

SECTION

3. When to take effect.

SECT. 1. Physiology and hygiene shall hereafter be taught in all the Public Schools of this Commonwealth, in all cases in which the school committee shall deem it expedient.

SECT. 2. All school teachers shall hereafter be examined in their knowledge of the elementary principles of physiology and hygiene, and their ability to give instructions in the same.

SECT. 4. This act shall take effect on and after the first day of October, one thousand eight hundred and fifty-one. [April 24, 1850.]

CHAPTER 99.

RESOLVES IN AID OF THE SEVERAL SCHOOL DISTRICTS OF THE COMMONWEALTH.

Webster's or Worcester's Dictionary may be furnished them. School committees to obtain copies and certify that a suitable book-case is provided. Provision of a former Resolve repealed. When to take effect.

Resolved, That the Secretary of the Board of Education be and hereby is authorized to furnish each district and other Public School in the Commonwealth, except primary schools, a copy of Noah Webster's Unabridged Quarto Dictionary, or Joseph E. Worcester's Octavo Dictionary, at the option of the school committee of each town, and that the expense thereof be paid out of the school fund: *provided*, that the said Webster's Dictionary may be obtained at a cost not exceeding four dollars, and said Worcester's Dictionary, at a cost of not more than two dollars.

Resolved, That the school committee of each town in the Commonwealth be and hereby is authorized to obtain from the Secretary of the Board of Education, one copy of either of the above-named Dictionaries, at the option of said committee, and cause the same to be placed in each of the schools aforesaid, in their respective towns: *provided, however*, that no school shall be entitled to either of said Dictionaries which shall not have furnished itself with a suitable book-case, or desk, for the safe-keeping of the Dictionary; and the school committee, in making application therefor to the Board of Education, shall certify that each district, for which a Dictionary is requested, has complied with this requisition.

Resolved. So much of the Resolve of the third of March, eighteen hundred and forty-two, as appropriated to every school district in the Commonwealth fifteen dollars, "to be expended for books, for a school district library," is hereby repealed.

Resolved. These Resolves shall not take effect until the first day of August next. [May 2, 1850.]

CHAPTER 274.

AN ACT CONCERNING SCHOOLS.

Certain towns exempt from the requirements to maintain a high school, on certain conditions.

SECT. 1. Towns coming within the requirements of the fifth section of the twenty-third chapter of the Revised Statutes, but of less than eight thousand inhabitants by the next preceding decennial census, may be exempt from said requirements: *provided*, that they maintain, in each year, two or more schools, in such districts as the school committee shall approve, for terms of time that shall, together, be equivalent to twelve months, and for the benefit of all the inhabitants, kept by masters who, in addition to the branches of instruction enumerated in the first section of said chapter, shall be competent to give instruction in the history of the United States, book-keeping, surveying, geometry, and algebra, and also, in towns containing four thousand inhabitants, in the Latin and Greek languages, general history, rhetoric, and logic: *provided, also*, that no one of said schools shall be kept for a less term than three months. [May 3, 1850.]

CHAPTER 286.

AN ACT CONCERNING DISTRICT SCHOOLHOUSES.

SECTION

1. Mode of taking possession of them, when towns abolish school districts.

SECTION

2. Towns authorized to erect them at the common expense.

SECT. 1. Any town of this Commonwealth, that has been divided into school districts, the inhabitants of which may think it expedient to abolish said districts, shall be authorized to take possession of the district schoolhouses in the following manner—an appraisement shall be made, by the direction of the town, of the value of the schoolhouses; a tax shall then be levied sufficient for the erection of new schoolhouses in all the districts; and to each district shall be remitted a proportion of the tax equal to the value of its house.

SECT. 2. Any town that has been divided into school districts, the inhabitants of which shall desire so far to alter their district system as to provide for the erection of schoolhouses in all the districts, at the common expense of the town, shall be authorized to proceed in the manner provided in the preceding section. [May 3, 1850.]

CHAPTER 294.

AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

SECTION

1. Cities and towns empowered to make provisions, &c., concerning truants.
2. They may appoint three or more persons to make complaint to a justice of

SECTION

- the peace, &c.
2. Truants may be placed in an institution of instruction, or house of reformation.

SECT. 1. Each of the several cities and towns, in this Commonwealth, is hereby authorized and empowered to make all needful provisions and arrangements concerning habitual truants, and children not attending school, without any regular and lawful occupation, growing up in ignorance, between the ages of six and fifteen years; and also, all such ordinances and by-laws, respecting such children, as shall be deemed most conducive to their welfare, and the good order of such city or town; and there shall be annexed to such ordinances, suitable penalties, not exceeding, for any one breach, a fine of twenty dollars: *provided*, that said ordinances and by-laws shall be approved by the court of common pleas for the county, and shall not be repugnant to the laws of the Commonwealth.

SECT. 2. The several cities and towns, availing themselves of the provisions of this act, shall appoint, at the annual meetings of said towns, or annually by the mayor and aldermen of said cities, three or more persons, who alone shall be authorized to make the complaints, in every case of violation of said ordinances or by-laws, to the justice of the peace, or other judicial officer, who, by said ordinances, shall have jurisdiction in the matter, which persons, thus appointed, shall alone have authority to carry into execution the judgments of said justices of the peace, or other judicial officer.

SECT. 3. The said justices of the peace, or other judicial officers, shall in all cases, at their discretion, in place of the fine aforesaid, be authorized to order children, proved before them to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed, for such periods of time as they may judge expedient, in such institution of instruction, or house of reformation, or other suitable situation, as may be assigned or provided for the purpose, under the authority conveyed by the first section of this act, in each city or town availing itself of the powers herein granted. [May 3, 1850.]

CHAPTER 301.

AN ACT RELATIVE TO SCHOOL DISTRICTS.

SECTION

1. Taxing of manufacturing establishments in them.

SECTION

2. When to take effect.

SECT. 1. In raising and assessing money in the several school districts, all real estate and machinery, belonging to any manufacturing establishment, whether incorporated or not, shall be taxed in the school districts where the same are situated.

SECT. 2. This act shall take effect from and after its passage. [May 3, 1850.]

CHAPTER 103.

RESOLVES CONCERNING THE ESTABLISHMENT OF AN AGRICULTURAL SCHOOL.

Commissioners to be appointed. To procure plans, &c., for the establishment of an Agricultural School. To consider the expediency of establishing an Agricultural Department in the State government, &c. To make report. To consider what appropriation of lands in Maine is expedient.

Resolved, That his excellency the Governor, with the advice of the Council, be requested and empowered to appoint a board of five commissioners, who shall consider the expediency of establishing Agricultural Schools or Colleges, and also of furnishing aid to any existing academy or college, for the instruction of such pupils, as may wish to attend such an institution, in all those branches of agricultural knowledge necessary for the advancement of the interests of agriculture in this State.

Resolved, That the said commissioners, if, in their opinion, it is expedient to establish such Agricultural School or College, shall be directed to procure plans and estimates for the buildings necessary for such an institution, and to propose and mature a system for the government thereof, with the requisite studies to be pursued at the same, and to ascertain what laws and regulations would be necessary and proper to put the same into successful operation.

Resolved, That the said commissioners be directed to consider the expediency of establishing an Agricultural and Statistical Department in our State Government, that shall maintain a similar relation to the interests of agriculture, and other industrial pursuits, that the Board of Education does to our system of Common School instruction; what appropriations, if any, may be necessary, on the part of the Commonwealth, to secure instruction in this science, in our medical and other colleges, and Normal Schools; whether any further aid should

be granted to local agricultural and horticultural societies; whether instruction in agriculture can properly be introduced into the Common Schools; and by what other and proper means, this branch of industry, so important to the Commonwealth, and so intimately connected with the welfare of the people, may best be promoted.

Resolved, That the said commissioners report the result of their deliberations to his excellency the Governor, in season to be communicated to the Legislature at the commencement of their next session. And the said commissioners shall present all their accounts to the Governor and Council, to be by them audited and allowed, as they may deem just.

Resolved, That the said commissioners consider the expediency of appropriating the property of the Commonwealth in lands, in the state of Maine, or any other available resources, to the general purposes of education, including instruction in agriculture, and to the support of charitable institutions. [May 3, 1850.]

GENERAL
LAWS AND RESOLVES
RELATING TO
PUBLIC INSTRUCTION,
PASSED BY THE
LEGISLATURE OF MASSACHUSETTS,
IN THE YEAR
1851;
CHRONOLOGICALLY ARRANGED.

CHAPTER 31.

RESOLVE AUTHORIZING THE BOARD OF EDUCATION TO APPOINT AGENTS.

To visit the towns and school districts. \$2,500 appropriated annually, for two years.

Resolved, That the Board of Education be and they are hereby authorized to appoint two or more suitable persons to visit the towns and school districts, in such parts of the Commonwealth as may seem expedient to the said Board, for the purpose of inquiring into the condition of the Public Schools, lecturing upon subjects connected with education, and, in general, of giving and receiving information, in the same manner as the Secretary of the Board would do if he were present; and that, to defray the expense of the same, His Excellency the Governor, with the advice and consent of the Council, be authorized to draw his warrant on the treasury, for a sum not exceeding twenty-five hundred dollars annually, and for a period not exceeding two years. [April 24, 1851.]

CHAPTER 44.

RESOLVE CONCERNING IDIOTIC CHILDREN.

Grant of \$5,000 annually to the Massachusetts School. Number and appointment of trustees. Board of visitors, and their duties. Number of idiotic persons to be received gratuitously. Charge for other applicants. Members of the Legislature, ex officio visitors.

Resolved, That there be paid, annually, out of the treasury

of the Commonwealth, to the Treasurer of the Massachusetts School for Idiotic and Feeble-minded Youth, the sum of five thousand dollars, to be devoted to teaching and training indigent idiotic children belonging to this Commonwealth: *provided*, that the Board of Trustees having the direction of the said institution shall be composed of twelve persons, four of whom shall be appointed by the Governor and Council: *and provided*, that the Governor, Lieutenant Governor, Secretary of State, President of the Senate, Speaker of the House, and the two Chaplains, shall constitute a Board of Visitors, whose duty it shall be to visit and inspect the said institution as often as they see fit; to examine the by-laws and regulations enacted by the corporation; and, generally, to see that the object of the said institution is carried into effect: *and provided, further*, that the said institution shall gratuitously receive and educate thirty idiotic persons, to be designated by the Governor: *and provided, further*, that other applicants, of proper age and condition, children of inhabitants of this Commonwealth who are not wealthy, shall be received at a charge not exceeding the actual average cost of the inmates: *and provided, further*, that the members of the Legislature for the time being shall be, *ex officio*, visitors of the institution, and have the privilege, during the sessions, of inspecting the same; and that the Governor be authorized annually to draw his warrant for the sum of five thousand dollars, in four equal quarterly payments of one thousand two hundred and fifty dollars each, in favor of the Treasurer of the said School, whenever he shall have satisfactory evidence that the terms and conditions of the foregoing resolve have been fulfilled. [April 30, 1851.]

CHAPTER 112.

AN ACT TO INCREASE THE MASSACHUSETTS SCHOOL FUND.

Provision of Revised Statutes, limiting school fund, repealed. Not to exceed \$1,500,000.

The provision of the thirteenth section of the eleventh chapter of the Revised Statutes, limiting the school fund to one million of dollars, is hereby repealed, and the said fund is hereby allowed to accumulate, according to the provisions of the said section, until it shall amount to a sum not exceeding one million and five hundred thousand dollars. [May 7, 1851.]

CHAPTER 54.

RESOLVE CONCERNING THE STATE NORMAL SCHOOLS.

Grant of \$1,200 annually for 1851 and 1852, which, with former appropriations, shall be in full to Jan. 1, 1853.

Resolved, That the sum of twelve hundred dollars be appropriated annually the current year, and in the year one thousand eight hundred and fifty-two, for the support of the State Normal Schools, under the direction of the Board of Education, which, together with the sums appropriated for the same object by former resolves, shall be in full therefor to the first day of January, in the year one thousand eight hundred and fifty-three. [May 15, 1851.]

CHAPTER 186.

AN ACT IN ADDITION TO "AN ACT TO AUTHORIZE TOWNS TO TAKE LAND FOR SCHOOLHOUSES."

Provisions of stat. 1848, chap. 237, extended. Land may be taken for enlarging any school-house lot.

The provisions of the two hundred and thirty-seventh chapter of the acts of the year one thousand eight hundred and forty-eight are hereby so far extended, that land may be taken, under the provisions of the said act, in the mode and subject to the remedies in said act contained, for the purpose of enlarging any schoolhouse lot: *provided*, that the area of such schoolhouse lot, including the land so taken, shall not thereby exceed in quantity forty square rods. [May 20, 1851.]

CHAPTER 224.

AN ACT TO CHANGE THE ORGANIZATION OF THE BOARD OF OVERSEERS OF THE UNIVERSITY AT CAMBRIDGE.

SECTION

1. Existing board to continue till next General Court.
2. The governor, &c., with thirty others, shall constitute the board.
3. Thirty members to be divided into three classes, to go out of office severally, in January, 1852, 1853 and 1854.
4. The board, when renewed, to be divided into six equal classes, to go out of of-

SECTION

5. Vacancies, how filled.
6. Mode of organizing meetings, and power to make by-laws.
7. Members of General Court which elects, ineligible.
8. Assent of existing board and of president and fellows required.
9. Inconsistent provisions repealed.

SECT. 1. The Board of Overseers of Harvard College, as constituted by existing laws, shall continue until the day of the next annual meeting of the General Court, and no longer.

SECT. 2. The Governor, Lieutenant Governor, President of

the Senate, and Speaker of the House of Representatives of the Commonwealth, the Secretary of the Board of Education, and the President and Treasurer of Harvard College, for the time being, together with thirty other persons, as hereinafter defined and described, and no others, shall, on and after the day of the next annual meeting of the General Court, constitute the Board of Overseers of Harvard College, they, or the major part of them, present at any legal meeting, to exercise and enjoy all the rights, powers and privileges, and be subject to all the duties of the existing Board of Overseers.

SECT. 3. The thirty persons, who, in addition to the ex officio members thereof, now constitute the Board of Overseers, shall be divided into three classes of ten each, by lot or otherwise, as they themselves may determine; and the persons of the first class shall go out of office on the day of the next annual meeting of the General Court, and their places be supplied by joint ballot of the senators and representatives of the Commonwealth, assembled in one room; and the persons of the second class shall go out of office on the day of the annual meeting of the General Court, which will be in the year one thousand eight hundred and fifty-three, and their places be supplied in like manner by joint ballot of the senators and representatives; and the persons of the third class shall go out of office on the day of the annual meeting of the General Court, which will be in the year one thousand eight hundred and fifty-four, and their places be supplied in like manner by joint ballot of the senators and representatives: *provided*, that the persons of each of the said outgoing classes shall continue in office for two months after the day of the said annual meeting of the General Court, unless their successors shall have been sooner chosen by the senators and representatives.

SECT. 4. When the Board of Overseers shall have been wholly renewed, in the manner prescribed in the foregoing section, the members thereof shall be divided into six equal classes, by subdivision of the previous classes into two each, according to lot or otherwise, as the Board may determine, and having regard to seniority of service among the said previous classes, in arranging the order of precedence of the new series; and the said six classes shall thereafter go out of office in rotation, and in order of precedence as thus defined, one at each successive annual meeting of the General Court, and their places be supplied by joint ballot of the senators and representatives.

SECT. 5. Any vacancy occurring in the said Board of Overseers, whether by death, resignation, removal from the Commonwealth, or otherwise, shall be filled by joint ballot of the senators and representatives, as herein before provided; and if

the General Court shall omit to fill, within three months from the day of its annual meeting as aforesaid, any existing vacancy, then such vacancy may be filled by the remaining overseers; but the person so elected to fill any vacancy, whether by senators and representatives, or by the overseers, shall be deemed a member of, and go out of office with, the class to which his predecessor belonged.

SECT. 6. The Governor, if present, shall preside at any legal meeting of the said Board of Overseers; if not, the Lieutenant Governor; in their absence, the President of the Senate; in his absence, the Speaker of the House of Representatives; but if neither of the persons named be present, then the meeting shall elect a president, *pro tempore*; and the said Board may choose, by majority of votes, a secretary, when that office shall be vacant, who shall be under oath truly to record the votes and proceedings of the Board, and faithfully to discharge all the duties of his office; and the said Board may make, establish, and alter such rules of proceeding, and other by-laws, as they shall deem meet, *provided*, the same be not inconsistent with the constitution and laws of the Commonwealth.

SECT. 7. No member of the General Court which elects, shall be eligible to a place in the said Board of Overseers; and no person shall be reëligible for more than one term immediately succeeding that to which he shall have been first elected.

SECT. 8. This act shall be in force when the Board of Overseers as heretofore constituted, and the President and Fellows of Harvard College respectively, at meetings held for that purpose during the present session of the General Court, shall by vote have assented to the same: *provided*, that nothing contained herein shall be deemed to prejudice any constitutional powers which may be possessed by the General Court.

SECT. 9. All acts or parts of acts, inconsistent herewith, are repealed. [May 22, 1851.]

CHAPTER 303.

AN ACT IN ADDITION TO AN ACT IN RELATION TO SCHOOL DISTRICTS.

Construction of stat. 1849, chap. 206.

The two hundred and sixth chapter of the acts of the year one thousand eight hundred and forty-nine, providing that no town shall be districted anew for school purposes, so as to change the taxation of lands of proprietors into districts using different schoolhouses, oftener than once in ten years, shall be so construed that such districting anew may occur once at any

time within the ten years next subsequent to the passage of the said act. [May 24, 1851.]

CHAPTER 305.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO ESTABLISH AND MAINTAIN PUBLIC LIBRARIES.

SECTION

1. May be established and maintained, and regulations prescribed.
2. Appropriations for their foundation and

SECTION

- increase.
3. Devises, bequests, &c., for their benefit.

SECT. 1. Any city or town of this Commonwealth is hereby authorized to establish and maintain a public library within the same, with or without branches, for the use of the inhabitants thereof, and to provide suitable rooms therefor, under such regulations for the government of such library as may, from time to time, be prescribed by the city council of such city, or the inhabitants of such town.

SECT. 2. Any city or town may appropriate, for the foundation and commencement of such library, as aforesaid, a sum not exceeding one dollar for each of its ratable polls in the year next preceding that in which such appropriation shall be made; and may also appropriate, annually, for the maintenance and increase of such library, a sum not exceeding twenty-five cents for each of its ratable polls in the year next preceding that in which such appropriation shall be made.

SECT. 3. Any city or town may receive, in its corporate capacity, and hold and manage, any devise, bequest or donation for the establishment, increase or maintenance of a public library within the same. [May 24, 1851.]

CHAPTER 309.

AN ACT CONCERNING VACANCIES IN SCHOOL COMMITTEES.

May be filled by remaining members, &c. School returns signed by a committee thus constituted shall be valid.

Whenever vacancies occur in the school committee of any town or city in this Commonwealth, or when, from any cause, any member or members are unable to act, the remaining member or members of said committee, together with the selectmen of said town or the mayor and aldermen of said city, shall have power to fill vacancies in said committee; and the school return, signed by a majority of the committee thus constituted, shall be equally valid as if signed by a majority of the committee as originally chosen. [May 24, 1851.]

CHAPTER 92.

RESOLVE CONCERNING EDUCATION.

Secretary of the Board authorized to publish pamphlets for distribution.

Resolved, That the Secretary of the Board of Education be authorized to publish, for general distribution, a pamphlet or pamphlets containing such portions of his annual reports, and such other matter, as he may deem best adapted to promote the interests of common school education: *provided*, that the expense of such publication and distribution shall not exceed, in any one year, the sum of two hundred dollars. [May 24, 1851.]

GENERAL
LAWS AND RESOLVES
RELATING TO
PUBLIC INSTRUCTION,
PASSED BY THE
LEGISLATURE OF MASSACHUSETTS,
IN THE YEAR
1852;
CHRONOLOGICALLY ARRANGED.

CHAPTER 2.

RESOLVE IN FAVOR OF TEACHERS' INSTITUTES.

Grant of \$1,250 to increase their number.

Resolved, That there be paid, annually, out of the treasury, the sum of twelve hundred and fifty dollars, in addition to the sums heretofore granted, for the purpose of defraying the expenses of teachers' institutes, and for increasing their number under the direction of the Board of Education, and that his excellency the governor be authorized to draw his warrant accordingly. [January 30, 1852.]

CHAPTER 27.

AN ACT EXPLANATORY OF THE ACTS RELATING TO THE ORGANIZATION OF THE BOARD OF OVERSEERS OF THE UNIVERSITY AT CAMBRIDGE.

SECTION

1. The board may provide by rule or by-law what number shall constitute a quorum.

SECTION

2. When to take effect.

SECT. 1. The several acts relating to the organization of the Board of Overseers of Harvard College shall be so construed as to empower the said Board to order and provide by rule or

by-law what number of the members thereof, not less than nine, shall constitute a quorum or legal meeting of the same.

SECT. 2. This act shall take effect from and after its passage. [March 3, 1852.]

CHAPTER 16.

RESOLVE IN AID OF THE STATE LIBRARY.

Grant of \$1,000.

Resolved, That the sum of one thousand dollars be, and the same is hereby, appropriated out of the treasury of the Commonwealth, for the purpose of supplying deficiencies, and completing sets of important works in the State Library, under the direction of the Trustees thereof; and that warrants be drawn therefor accordingly. [March 18, 1852.]

CHAPTER 80.

AN ACT PROVIDING FOR THE ENLARGEMENT OF THE STATE REFORM SCHOOL.

SECTION

1. Trustees authorized to apply bequests of Mr. Lyman, not exceeding \$50,000.

SECTION

2. To provide for juvenile offenders.

SECT. 1. The Trustees of the State Reform School, at Westboro', are hereby authorized to apply any part of the bequests of the late Theodore Lyman, made for the benefit of said school, to the purpose of adding to or enlarging the buildings thereto belonging, to such an extent that they may accommodate two hundred and fifty additional inmates, and to the proper furnishing the same: *provided*, such expenditure shall not exceed the sum of fifty thousand dollars.

SECT. 2. When said addition or enlargement shall be completed, the said Trustees shall provide for the reception of juvenile offenders to the extent of such additional accommodations, under the same rules and regulations as are now by law established in reference to commitments to said Reform School. [March 30, 1852.]

CHAPTER 27.

RESOLVE CONCERNING SCOTT'S SYSTEM OF INFANTRY TACTICS.

Adjutant-General to furnish one copy to each General, &c., and 1st and 2d volumes to each subaltern officer.

Resolved, That the adjutant-general be authorized to procure a sufficient number of copies of Harper & Brother's

edition of "the System of Infantry Tactics," compiled by General Winfield Scott, and adopted by the War Department in the year one thousand eight hundred and thirty-five, and to furnish one copy to each general and field officer, division-inspector, brigade-major, the adjutant of each regiment and battalion, and the commander of each company, and also to furnish the first and second volumes of said System to each subaltern officer in the volunteer militia of the Commonwealth; the volumes to be delivered up by each officer who may resign, for the use of his successor. [April 1, 1852.]

CHAPTER 28.

RESOLVE CONCERNING A SURVEY OF THE SURFACE GEOLOGY OF THE COMMONWEALTH.

The Governor to arrange with President E. Hitchcock to make it.

Resolved, That his excellency the governor be, and he hereby is, authorized to arrange with President Edward Hitchcock, of Amherst, to make a survey of the surface geology of the Commonwealth: *provided*, the whole expense shall not exceed the sum of five hundred dollars. [April 3, 1852.]

CHAPTER 119.

AN ACT CONCERNING THE POWERS OF SCHOOL DISTRICTS.

If two-thirds of the voters cannot determine where to place their school-house, the selectmen may, as provided in the Revised Statutes.

If, at any meeting of the legal voters of any school district, they cannot determine, by a vote of two-thirds of the voters present and voting thereon, where to place their school-house, the selectmen of the town to which the said districts belong shall determine where such school-house shall be placed, in the same manner as is provided in the thirtieth section of the twenty-third chapter of the Revised Statutes. [April 20, 1852.]

CHAPTER 123.

AN ACT CONCERNING THE PUBLIC SCHOOLS.

Any town of less than 500 families, &c., may maintain the schools required by the Revised Statutes, chap. 23, § 5.

Any town in the Commonwealth containing less than five hundred families or householders, may establish and maintain such schools as are mentioned and described in the fifth section of the twenty-third chapter of the Revised Statutes. [April 20, 1852.]

CHAPTER 43.

RESOLVE CONCERNING GRANT OF PUBLIC LANDS IN AID OF
NATIONAL NORMAL SCHOOLS.

Congress should endow them. The Governor to forward a copy of resolves to senators, &c.

Resolved, That Massachusetts deems it expedient and just that Congress appropriate a portion of the public lands to establish and endow a National Normal Agricultural College, which shall be to the rural sciences what West Point Academy is to the military, for the purpose of educating teachers and professors for service in all the States of the republic.

Resolved, That his excellency the governor be requested to forward a copy of these resolutions to each of the senators and representatives in Congress from the State of Massachusetts, with a request that they be laid before that body. [April 20, 1852.]

CHAPTER 142.

AN ACT TO ESTABLISH A STATE BOARD OF AGRICULTURE.

SECTION

1. Of whom to consist. Members to hold office for three years.
2. Members to be divided into three equal classes. When their term of office to expire.
3. To investigate subjects relating to agriculture, and empowered to hold in trust donations and bequests.

SECTION

4. To meet at the State House; to appoint a secretary and determine his duties. Governor and council to fix his compensation, which shall not exceed \$1,500 per annum. To report annually to the Legislature.
5. Repealing clause.
6. When to take effect.

SECT. 1. A State Board of Agriculture is hereby established, to consist of his excellency the governor, his honor the lieutenant-governor, and secretary of state, *ex officio*; of one member from each of the agricultural societies in the Commonwealth, that receives an annual bounty from the State, and of three members to be appointed by the governor and council. Said members shall hold their offices for three years, except as hereinafter provided; and the governor and council, and the agricultural societies as aforesaid, shall, within sixty days after the passage of this act, appoint said members; and afterward whenever vacancies shall occur.

SECT. 2. At the first meeting of this Board, appointed as aforesaid and called by his excellency the governor, the three members appointed by the governor and council, and the members from the agricultural societies as aforesaid, shall be divided into three equal classes, as near as may be, and the term of office of the first class shall expire on the first Wednesday of February, in the year 1854; the second class on the

first Wednesday of February, in the year 1855; and the third class on the first Wednesday of February, in the year 1856. The expiration of each class shall be determined by lot by the whole Board, and the vacancies thus created shall be filled by the governor and council, and by the respective agricultural societies in which such vacancy may occur.

SECT. 3. It shall be the duty of this Board to investigate all such subjects relating to improvement in agriculture in this Commonwealth, as they may think proper; and they are hereby empowered to take, hold in trust, and exercise control over, any donations or bequests that may be made to them for promoting agricultural education or the general interests of husbandry.

SECT. 4. The Board of Agriculture shall meet at the State House in Boston, at least once in each year, and as much oftener as they may deem expedient; and they are hereby empowered to employ a suitable person to act as secretary of the Board, and to prescribe and determine his duties; but all the duties of the secretary of the Commonwealth, relating to returns of agricultural societies, shall be performed by the secretary of the Board of Agriculture; and all reports and returns now required by law to be made by said societies, shall be made and returned to the secretary of this Board. The governor and council shall determine his compensation, which compensation shall not exceed the sum of fifteen hundred dollars per annum; but no member of the Board shall receive any compensation for his services from the Commonwealth, except for personal expenses when engaged in the duties of the Board. And the said Board shall, annually, on or before the fourth Wednesday of January, by their chairman or secretary, submit to the Legislature a detailed report of their doings, with such recommendations and suggestions as in their view the interests of agriculture may require.

SECT. 5. All laws inconsistent with this act are hereby repealed.

SECT. 6. This act shall take effect from and after its passage. [April 21, 1852.]

CHAPTER 199.

AN ACT IN RELATION TO DISTRICT SCHOOL-HOUSES.

Act of May 3, 1850, chap. 286, extended.

The provisions of an act entitled "An act concerning district school-houses," passed in the year one thousand eight hundred and fifty, shall apply equally to the lands connected with said school-houses, and the apparatus and other property owned by the districts, and used for school purposes. [May 7, 1852.]

CHAPTER 216.

AN ACT CONCERNING TEACHERS' INSTITUTES.

Sums appropriated may be apportioned as the Board of Education shall determine.
Only \$350 to be expended on one institute.

The sums appropriated to defray the expenses of teachers' institutes by an act entitled an act to establish teachers' institutes, passed in the year one thousand eight hundred and forty-six, and by a resolve entitled a resolve concerning teachers' institutes, passed in the year one thousand eight hundred and fifty, may be apportioned in such manner as the Board of Education shall determine: *provided*, that not more than three hundred and fifty dollars shall be expended upon any one institute. [May 13, 1852.]

CHAPTER 222.

AN ACT CONCERNING DISTURBANCES OF SCHOOLS AND PUBLIC MEETINGS.

Justices of the Peace and Police Courts shall have concurrent jurisdiction of the offence, &c.

Every justice of the peace, within his county, and the several police courts established by law, shall have jurisdiction concurrent with the court of common pleas in their respective counties, and the police court of the city of Boston shall have jurisdiction concurrent with the municipal court, of the offence specified in an act passed the twenty-seventh day of March, in the year one thousand eight hundred and forty-nine, entitled, "An act to prevent disturbances of schools and public meetings," when said offence is not of an aggravated nature: *provided, however*, that such justices, and the police courts aforesaid, shall punish such offence by imprisonment in the county jail or house of correction not more than thirty days, or by fine not exceeding ten dollars, saving to the party convicted the right of appeal as in other cases. [May 13, 1852.]

CHAPTER 63.

RESOLVE CONCERNING THE STATE NORMAL SCHOOL AT WEST NEWTON.

Grant of \$6,000 to provide a new building. Board of Education authorized to receive propositions and to select a site.

Resolved, That the sum of six thousand dollars be, and the same is hereby, appropriated from the proceeds of the public lands or the school fund, according to the provisions of the act

of one thousand eight hundred and forty-six, chapter two hundred and nineteen, to defray the expenses of providing a more commodious site and building, and the necessary appurtenances and apparatus for the accommodation of the State Normal School, now established at West Newton, and that the same be expended for that purpose, under the direction of the Board of Education, upon whose requisition the governor is hereby authorized to draw his warrant upon the treasurer to the amount aforesaid.

Resolved, That the Board of Education be authorized to purchase and receive grants of land in the name of the Commonwealth, and in suitable quantity, for the site of said building, and the accommodation of said school; and that before selecting said site, they be directed to receive propositions from towns or individuals in aid of the objects of these resolves, and afterwards to make such selection as will, in their opinion, best subserve the interests and accommodate the wants of said school. But the said Board of Education shall limit the time for receiving such proposition to a term not exceeding six months from the time of the passage of this resolve. [May 13, 1852.]

CHAPTER 64.

RESOLVE TO AUTHORIZE THE SECRETARY OF THE COMMONWEALTH TO PREPARE AND PUBLISH STATISTICS SHOWING THE PROGRESS OF THE COMMONWEALTH.

To present to the next Legislature an abstract of the returns under the last census.

Resolved, That the secretary of the Commonwealth be authorized to prepare, and present in a printed form to the next Legislature, an abstract of the returns under the national census of the year one thousand eight hundred and fifty, combined with such other facts as he may deem expedient to illustrate the progress in population, industry, and wealth of the several cities and towns in this Commonwealth. [May 13, 1852.]

CHAPTER 65.

RESOLVE CONCERNING THE STATE NORMAL SCHOOLS.

Grant of \$8,200, which shall be in full to January 1, 1856.

Resolved, That the sum of eight thousand two hundred dollars annually, for three years from the first day of January next, be appropriated to the support of the State Normal Schools, under the direction of the Board of Education; the

said amount to be deducted from the proceeds of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, entitled "An act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes;" and that his excellency the governor be authorized to draw his warrants accordingly. [May 13, 1852.]

CHAPTER 67.

RESOLVE IN RELATION TO THE INDEXES OF THE GENERAL COURT RECORDS.

Six hundred copies to be printed under the direction of the Clerk of the Senate.

Resolved, That six hundred copies of the indexes of the General Court Records, up to the time of the adoption of the constitution, be printed for distribution in the manner hereafter to be provided, and that the said printing be done under the direction and supervision of the present clerk of the senate, who shall receive such compensation for said service as the governor and council shall determine. [May 13, 1852.]

CHAPTER 240.

AN ACT CONCERNING THE ATTENDANCE OF CHILDREN AT SCHOOL.

SECTION

1. Children between eight and fourteen to be sent to some public school twelve weeks each year, six of which to be consecutive.
2. Penalty for violation of this act.

SECTION

3. School committee shall inquire into the violations, and report.
4. When persons shall be held not to have violated this act.
5. The treasurer of the town or city to prosecute all violations.

SECT. 1. Every person who shall have any child under his control between the ages of eight and fourteen years, shall send such child to some public school within the town or city in which he resides, during at least twelve weeks, if the public schools within such town or city shall be so long kept, in each and every year during which such child shall be under his control, six weeks of which shall be consecutive.

SECT. 2. Every person who shall violate the provisions of the first section of this act shall forfeit, to the use of such town or city, a sum not exceeding twenty dollars, to be recovered by complaint or indictment.

SECT. 3. It shall be the duty of the school committee in the several towns or cities to inquire into all cases of violation of the first section of this act, and to ascertain of the persons violating the same, the reasons, if any, for such violation, and they

shall report such cases, together with such reasons, if any, to the town or city, in their annual report; but they shall not report any cases such as are provided for by the fourth section of this act.

SECT. 4. If, upon inquiry by the school committee, it shall appear, or if, upon the trial of any complaint or indictment under this act, it shall appear, that such child has attended some school not in the town or city in which he resides, for the time required by this act, or has been otherwise furnished with the means of education for a like period of time, or has already acquired those branches of learning which are taught in common schools, or if it shall appear, that his bodily or mental condition has been such as to prevent his attendance at school, or his acquisition of learning for such a period of time, or that the person having the control of such child is not able, by reason of poverty, to send such child to school, or to furnish him with the means of education, then such person shall be held not to have violated the provisions of this act.

SECT. 5. It shall be the duty of the treasurer of the town or city to prosecute all violations of this act. [May 18, 1852.]

CHAPTER 283.

AN ACT IN ADDITION TO "AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOLS."

SECTION

1. A minor between six and fifteen, convicted under the statute 1850, chap. 294, may be committed to some institution of instruction, &c.
2. In default of the payment of a fine, may be committed to said institution, &c., or to the county jail.

SECTION

- When he may be discharged by a justice, &c.
3. When to be discharged according to the Rev. Stat., chap. 145, § 3.
4. When the powers of the justice, &c., shall continue.
5. Stat. 1850, chap. 294, § 3, repealed.

SECT. 1. Any minor between the ages of six and fifteen years, convicted under the provisions of an act entitled "An act concerning truant children and absentees from school," passed in the year one thousand eight hundred and fifty, of being an habitual truant, or of not attending school, or of being without any regular and lawful occupation, or growing up in ignorance, may, at the discretion of the justice of the peace or judicial officer having jurisdiction of the case, instead of the fine mentioned in the first section of said act, be committed to any such institution of instruction, house of reformation, or suitable situation, as may be provided for the purpose under the authority given in said first section, for such time as such justice or judicial officer may determine, not exceeding one year.

SECT. 2. Any minor convicted of either of said offences, and sentenced to pay a fine as provided in the first section of the act to which this is in addition, may, in default of payment thereof, be committed to said institution of instruction, house of reformation, or suitable situation provided as aforesaid, or to the county jail, as provided in case of non-payment of other fines. And upon proof that said minor is unable to pay said fine, and has no parent, guardian, or person chargeable with his support, able to pay the same, he may be discharged by said justice or judicial officer, whenever he shall see fit.

SECT. 3. If any person so convicted be not discharged as aforesaid, he shall be discharged according to the provisions of the third section of the one hundred and forty-fifth chapter of the Revised Statutes.

SECT. 4. The powers of the justice of the peace or judicial officer, under this act and the act to which this is in addition, in all unfinished cases shall continue under any reappointment to the same office, provided there be no interval between the expiration and reappointment to said office.

SECT. 5. The third section of the act entitled "An act concerning truant children and absentees from school," passed in the year one thousand eight hundred and fifty, is hereby repealed. [May 20, 1852.]

CHAPTER 86.

RESOLVE IN RELATION TO THE OLD COLONY RECORDS.

Secretary of State authorized to contract for a common index of, &c. Expense not to exceed \$200.

Resolved, That the secretary of the Commonwealth be, and he is hereby, authorized to contract with the register of probate, for the county of Plymouth, for making a complete and common index of all the volumes of the old colony records which are now severally indexed; and also an index of the book of court actions never indexed; and of the book of births and burials: *provided,* that the expense of the same shall not exceed the sum of two hundred dollars. [May 20, 1852.]

GENERAL
LAWS AND RESOLVES
RELATING TO
PUBLIC INSTRUCTION,
PASSED BY THE
LEGISLATURE OF MASSACHUSETTS,
IN THE YEAR
1853;
★
CHRONOLOGICALLY ARRANGED.

CHAPTER 9.

RESOLVE ON THE PETITION OF THE MASSACHUSETTS TEACHERS'
ASSOCIATION.

Grant of \$300, annually for five years.

Resolved, That there be paid annually, in the month of August, for the term of five successive years, from and after the year one thousand eight hundred and fifty-three, to the president or treasurer of the Massachusetts Teachers' Association, the sum of three hundred dollars, to be applied to the purposes of said association; the said amount to be deducted from the proceeds of the sales of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "An act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes," and that the warrants be drawn accordingly. [February 19, 1853.]

CHAPTER 49.

AN ACT IN ADDITION TO "AN ACT IN RELATION TO THE OFFICE
OF SECRETARY TO THE BOARD OF EDUCATION."

The Secretary to receive \$400, additional.

The secretary of the board of education, in addition to his present salary, shall receive the sum of four hundred dollars, to be paid in quarterly payments out of the treasury of the Commonwealth, commencing from the termination of payments under the will of the late Edmund Dwight. [March 15, 1853.]

CHAPTER 18.

RESOLVE IN ADDITION TO A RESOLVE AUTHORIZING THE BOARD
OF EDUCATION TO APPOINT AGENTS.

Resolve of April 24, 1851, extended for three years.

Resolved, That the authority given by the resolve, dated April 24, 1851, to the board of education, to appoint two or more suitable persons to visit the towns and school districts, and to the governor, to draw his warrant on the treasury for a sum not exceeding twenty-five hundred dollars annually, to defray the expenses of the same, be continued for a further period, not exceeding three years. [March 17, 1853.]

CHAPTER 22.

RESOLVE FOR THE PUBLICATION OF REPORT ON SCHOOL DIS-
TRICTS.

Secretary's last Report to be printed in cheap pamphlet form, for distribution.

Resolved, That the secretary of the board of education cause to be printed, in cheap pamphlet form, and distributed through the towns in the Commonwealth, so much of his last annual report as pertains to the district system of common schools; the edition to be of such number as the board of education may decide to be requisite, and the cost to be deducted from the proceeds of the public lands, or the school fund, according to the provisions of the act of the year 1846, chapter 219; and that his excellency the governor be authorized to draw his warrant accordingly. [March 19, 1853.]

CHAPTER 27.

RESOLVE CONCERNING THE VENTILATION OF SCHOOL-HOUSES.

Secretary to instruct the agents of the board to examine them, and to Report.

Resolved, That it shall be the duty of the secretary of the board of education to instruct one or both of the agents of that board, when visiting the schools throughout the Commonwealth, during the year, to make particular examination of the school-houses in the several towns, with regard to ventilation, and to communicate to the board, in his next annual report, the result of their inquiries, with such information concerning the defects to be remedied, the expense of any alterations required, and the provision that should be made for ventilation in new school-houses to be hereafter erected, as he may be able to collect, in order that the same may be laid before the legislature at its next annual session. [March 24, 1853.]

CHAPTER 149.

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE TOWNS TO TAKE
LANDS FOR SCHOOL-HOUSES.

Act of May 1, 1848, chapter 237, extended.

The provisions of the act authorizing towns to take lands for school-houses, passed on the first day of May, in the year eighteen hundred and forty-eight, are hereby extended so as to embrace all cases in which the selectmen shall have determined where a school-house is to be placed, in pursuance of the provisions of the thirtieth section of the twenty-third chapter of the Revised Statutes. [April 14, 1853.]

CHAPTER 153.

AN ACT IN ADDITION TO THE ACTS CONCERNING SCHOOL DIS-
TRICTS.

To be discontinued unless the Town shall vote to continue the same, &c.

In each town in this Commonwealth, which is now or may be hereafter divided into districts for schools, such districts shall be discontinued at the discretion of the school committees; unless the inhabitants of the town, at their annual meeting for the choice of town officers next following the first of January, eighteen hundred and fifty-four, and as often as once in three years thereafter, shall vote to continue the same; and

the care and management of all the schools therein shall devolve upon said school committee, until the town, at a subsequent annual meeting, shall otherwise direct. [April 14, 1853.]

CHAPTER 49.

RESOLVES TO ESTABLISH A STATE NORMAL SCHOOL IN THE COUNTY OF ESSEX.

Grant of \$6,000 for providing a site and buildings. Board of Education authorized to purchase, &c., receive proposals, and make selection. Grant of \$3,000, in addition, for the support of the School.

Resolved, That the board of education be, and they are hereby authorized to establish a State Normal School at some suitable place in the county of Essex, and that the sum of six thousand dollars be, and the same is hereby appropriated, from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, to defray the expense of providing a site, of erecting or purchasing a suitable building, and furnishing the necessary appurtenances and apparatus for said school; and that the same be expended for that purpose under the direction of the board of education, upon whose requisition the governor is hereby authorized to draw his warrants upon the treasury to the amount aforesaid.

Resolved, That the board of education be, and they are hereby authorized to purchase and receive grants of land, in the name of the Commonwealth, and in suitable quantity, for the site of said building and the accommodation of said school; and that, before selecting said site, they be directed to receive propositions from towns or individuals in said county of Essex, in aid of the object of these resolves, and afterwards to make such selection as will in their opinion best subserve the interests and accommodate the wants of said school.

Resolved, That the sum of three thousand dollars, in addition to the sums already appropriated for that purpose, be appropriated annually, for two years from the first day of January next, to the support of the State Normal Schools, under the direction of the board of education; the said amount to be taken from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, and that the governor be authorized to draw his warrants on the treasury accordingly. [April 16, 1853.]

CHAPTER 193.

AN ACT ESTABLISHING STATE SCHOLARSHIPS.

SECTION

1. Their number and object.
2. Counties to be divided into sections, which shall be arranged into four classes of ten each, &c.
3. The school committee to recommend candidates, and the board of education together with senator or senators to select from them. Provision in case of deficiency of candidates in any section, &c.
4. Two additional candidates may be selected. Character of candidates, &c.

SECTION

5. Where and when meetings shall be held at which the selections shall be made.
6. The scholars selected may be educated at any college in the State, and shall receive each year \$100, &c.
7. Mode of filling vacant scholarships.
8. Provision for scholars attending Normal Schools after leaving college.
9. Scholars aided shall teach in the Public Schools, or be liable to refund.
10. Sums appropriated.
11. When to take effect.

SECT. 1. Forty-eight State Scholarships are hereby established, to aid in educating and training young men for the office of principal teacher in the high schools of the Commonwealth.

SECT. 2. Each county in the Commonwealth shall, in the year one thousand eight hundred and fifty-four, again in the year one thousand eight hundred and sixty-one, and every ten years thereafter, be divided by the board of education, according to its population as determined by the last preceding census, as equally as may be conveniently done, into as many sections as such county is entitled to senators in the General Court, except Duke's County and Nantucket, which shall form one section, and all the sections shall be arranged by said board into four classes, of ten each, each of which classes of sections shall be entitled, alternately, once in every four years thereafter, beginning in the year one thousand eight hundred and fifty-four, to one scholarship for each of its sections; and the year in which each class of sections is to be entitled to scholarships shall be designated by the board of education by lot, and notice thereof shall be given by the secretary of the board through the mail, to the school committee of each town in such class.

SECT. 3. The school committee of every town, in each class of sections, may, in the year designated as aforesaid, recommend as candidates for scholarships, one or more young men, inhabitants of their town, who, in their opinion, and in the opinion of a competent teacher, to be certified in writing to the board of education, will be well fitted for college at the commencement next succeeding, and the board of education, together with the senator or senators for the time being, who shall reside within the limits of any section of such class, shall, in the manner hereinafter provided, select from the candidates so recommended, one in each section, whom they shall judge

most deserving and most likely to become useful as a teacher, who, when selected, shall be the scholar for such section. If no senator shall reside within the limits of any particular section, the board of education shall make the selection for that section, and in case any section in such class shall have no candidate suitable to be selected as aforesaid, his place may be filled by said board from the other candidates, recommended as aforesaid, from other sections of the same class; and, if, from a deficiency of candidates possessing the proper qualifications, in any class of sections, less than ten scholars be selected therefrom as aforesaid, the board may complete the number from the State at large; and the selection shall be made, in that case, after a careful examination as to scholarship, conducted by the board of education.

SECT. 4. If, after selection of ten scholars from any class of sections, there shall be other candidates from such class recommended as aforesaid, who shall be considered by the board of education as possessing the requisite qualifications, said board may select therefrom two additional scholars, and in default of such candidates from such class, they may select such additional scholars from the State at large, in the manner provided for that case, in the third section of this act. All candidates shall be persons of irreproachable moral character, free from any considerable defect of sight or hearing, in good health, and of a healthy constitution.

SECT. 5. Meetings shall be held at the office of its secretary, by the board, and the senators of the respective sections aforesaid, at such times, in the month of June next, and in the month of March, in each year thereafter, as the board shall appoint, of which its secretary shall give due notice, at which meetings, the selections hereby required to be made by the board and such senators, shall be made. The selections to be made by the board alone, may be made at the same time, or at other times in the same year.

SECT. 6. Any scholar so selected, may be educated at either of the colleges now established by law, within this Commonwealth, which he and his friends may select, and the board of education shall pay to him, at the end of each year of his college course, not exceeding four years, the sum of one hundred dollars, provided he shall produce, from the president, for the time being, of such college, a certificate, that he has been, during the year, faithful in his studies, exemplary in his deportment, and that he ranks, in scholarship, among the first half of his class.

SECT. 7. If any scholarship shall become vacant during the term for which its scholar was selected, the vacancy may be filled in the manner provided by this act, for the original selection, and the board of education shall take all the measures

necessary for the filling of such vacancy, in the manner aforesaid.

SECT. 8. If any such scholar, after leaving college, shall desire to attend one of the State Normal Schools, he shall be allowed the sum of twenty-five dollars for each term, not exceeding two, during which he shall attend such school, to be paid to him by the board of education, upon his producing from the principal master of such school, a certificate of attendance, and of his faithful and exemplary performance of the requirements of such school: *provided, however*, that such allowance be made only out of any unexpended balance of the funds provided by this act.

SECT. 9. Any scholar who shall have enjoyed the bounty of the Commonwealth, in the manner provided by this act, shall teach in the public schools of the Commonwealth, a term of time, equal to that for which he shall have received such bounty; and in case he shall fail so to teach, if in competent health, he shall pay to the treasurer of the Commonwealth, at the rate of one hundred dollars a year, for the time he shall fail so to teach, with interest thereon, from the end of his college course, which may be recovered by the treasurer in an action at law; and, when received, shall be added to the appropriation made by this act, and applied to the same purposes: *provided*, that such scholar shall be under no obligation to make such payment, if he shall prove, to the satisfaction of the board of education, that his failure so to teach, has arisen from his inability to find employment.

SECT. 10. The sums of twelve hundred dollars for the year commencing July first, one thousand eight hundred and fifty-four, twenty-four hundred dollars for the year commencing July first, one thousand eight hundred and fifty-five, thirty-six hundred dollars for the year commencing July first, one thousand eight hundred and fifty-six, and forty-eight hundred dollars annually thereafter, are hereby appropriated for the accomplishment of the purposes of this act, under the direction of the board of education; the said sums to be deducted from the proceeds of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen; and the governor, upon the requisition of the board of education, shall draw his warrants therefor.

SECT. 11. This act shall take effect from and after its passage. [April 27, 1853.]

CHAPTER 62.

RESOLVE FOR AID TO ATTENDANTS ON STATE NORMAL SCHOOLS.

Grant of \$1,000 annually for each School.

Resolved, That, as the attendance on the State Normal Schools is more expensive to persons living remote from them than to those living in or near the towns where they are situated, and as the wages paid for teaching in the public schools are usually less in towns thus remote than in those in the immediate vicinity of said schools, where an increased interest in education is generally created through their influence; from and after the first day of April, in the year of our Lord one thousand eight hundred and fifty-three, the board of education shall be authorized to receive annually, on their requisition, from the treasurer of the Commonwealth, in conformity with the provisions of the two hundred and nineteenth chapter of the laws of eighteen hundred and forty-six, a sum not exceeding one thousand dollars for each of the State Normal Schools, to be expended in aid of those members of said schools who find it difficult to meet the expense necessarily incurred by attending the same; the distribution of said sum to be left to the discretion of the board, after consulting the principal of each school where such aid is rendered. [April 30, 1853.]

CHAPTER 312.

AN ACT TO REGULATE AGRICULTURAL, HORTICULTURAL, AND ORNAMENTAL TREE ASSOCIATIONS.

May have corporate powers.

Any ten or more persons, in any county, town, or city within the State, who shall, by agreement in writing, associate for the purpose of encouraging agriculture, horticulture, or improving and ornamenting the streets and public squares of any city or town, by planting and cultivating ornamental trees therein, may become a corporation by such name as they shall assume therefor, by calling their first meeting, and being organized in the manner provided in the forty-first chapter of the Revised Statutes for the incorporation of the proprietors of social libraries and lyceums, and every such association, upon becoming a corporation as aforesaid, shall have, during the pleasure of the legislature, all the like rights, powers, and privileges as the proprietors of such libraries, and may hold real and personal estate not exceeding ten thousand dollars. [May 10, 1853.]

CHAPTER 75.

RESOLVE FOR THE INTERCHANGE OF LAWS, LAW REPORTS AND
OTHER PUBLIC DOCUMENTS.

Secretary of State to transmit them to other States, in exchange.

Resolved, That the secretary of the Commonwealth be authorized to transmit, at the discretion and on the requisition of the trustees of the State Library, copies of the laws, law reports, and other public documents of Massachusetts to the several States of the Union, the British Provinces, and other foreign states, in exchange for similar publications of said states and provinces. [May 11, 1853.]

CHAPTER 343.

AN ACT IN ADDITION TO THE ACTS CONCERNING TRUANT CHILDREN
AND ABSENTEES FROM SCHOOL.

SECTION

1. Jurisdiction of offences may be given to the Police Court.
2. Minors between six and sixteen, convicted, may be committed to any in-

SECTION

- stitution of instruction, &c.
3. When to take effect.
4. Repealing clause.

SECT. 1. Any city in this Commonwealth may, by ordinance, give jurisdiction of the offences arising under the several laws relating to truant children and absentees from school, to the justices of the police court of such city.

SECT. 2. Any minor between the ages of six and sixteen years, convicted under the provisions of an act entitled "An act concerning truant children and absentees from school," passed in the year one thousand eight hundred and fifty, of being an habitual truant, or of not attending school, or of being without any regular and lawful occupation, or of growing up in ignorance, may, at the discretion of the justice of the peace or judicial officer having jurisdiction of the case, instead of the fine mentioned in the first section of said act, be committed to any such institution of instruction, house of reformation, or suitable situation, as may be provided for the purpose under the authority given in said first section, for such time as such justice or judicial officer may determine, not exceeding two years.

SECT. 3. This act shall take effect in any city, as soon as it may be accepted by the city council of said city, by concurrent vote of the two branches thereof.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, so far as the same may relate to cities. [May 16, 1853.]

CHAPTER 347.

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO AUTHORIZE TOWNS TO TAKE LANDS FOR SCHOOL-HOUSES.

Act of May 1, 1848, chapter 237, extended.

The quantity of land that may be taken for a school-house lot in the discretion of the selectmen of any town, with the approbation of said town, is hereby extended to so much as it may be necessary to cover with the buildings, in addition to the forty square rods prescribed in the act passed May 1, 1848, chapter 237. [May 16, 1853.]

CHAPTER 84.

RESOLVES CONCERNING THE EDUCATION OF THE DEAF AND DUMB OF THIS COMMONWEALTH.

Term for the tuition of pupils at the Asylum may be extended. Number and expenses of the same limited.

Resolved, That whenever the trustees of the American Asylum at Hartford shall represent to his excellency the governor, that any of the pupils belonging to this Commonwealth, in said institution, have attained to such proficiency in their studies as to qualify them for admission into the Gallaudet high class, he may, with the advice of the council, extend the term for the tuition of such pupils two years: *provided*, that the number thus benefited shall not exceed six at any one time, and that the expenses therefor do not exceed the yearly sum now allowed for other pupils from this Commonwealth in that institution.

Resolved, That the benefits conferred by the foregoing resolve, shall be extended to two pupils of this Commonwealth, who entered that class on the first of September, one thousand eight hundred and fifty-two, and that their accounts be audited and paid from that date. [May 25, 1853.]

CHAPTER 91.

RESOLVE GRANTING AID TO THE NEW ENGLAND SCHOOL OF
DESIGN FOR WOMEN.

Grant of \$1,500 annually, for three years.

- *Resolved,* That the sum of fifteen hundred dollars annually, for three years from the first day of June next, be appropriated to the support of the New England School of Design for Women, and paid in quarterly payments; the said amount to be deducted from the proceeds of the public lands set apart as a school fund according to the provisions of the act of the year 1846, chapter 219, and that his excellency the governor be authorized to draw his warrants accordingly. [May 25, 1853.]

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